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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,809

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Ramin Samadani

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02/03/2009

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EXAMINER

JAMAL, ALEXANDER

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

02/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/601,809	Applicant(s) SAMADANI, RAMIN	
	Examiner ALEXANDER JAMAL	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Based upon the submitted amendment, the examiner notes that claims 4 and 23 have been amended.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-36** are rejected under 35 U.S.C. 102(b) as being anticipated by Chiu et al [US 5,986,655].

Regarding claim 21, Chiu et al disclose a system for capturing media during a recording session using a separate input device for each of plural audio sources, comprising:

means (14) for producing audio data with each separate input device [Fig. 1]:

;means (12) for processing the audio data to identify a portion of audio data having a first audio characteristic [Figs. 1,2]; and

Means (34) for storing an audio record for each identified portion of audio data [Fig. 1], wherein each audio record is associated with temporal data used in determining a sequence of the identified portion of audio data in relation to other identified portions of audio data from other separate input devices, and wherein each audio record is associated with identity data representing identifying characteristics (i.e. event) for the identified portion of audio data [Figs. 1- 7A; col. 4, line 56 to col. 9, line 40; col. 2, lines 17-38].

Claim 1 is essentially similar to claim 21 and is rejected for the reasons stated above.

Regarding claim 22, Chiu et al further disclose the system, wherein the means for producing audio data with each separate input device include: a means for recording audio to a storage device (112) within a processing station (12); and a means for editing (102) an identified portion

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of the recorded audio within the storage device of the processing station to produce audio data [Figs. 1-2; col. 4, line 56 to col. 6, line 19].

Regarding claim 23, Chiu et al further disclose the system, wherein the media includes at least one of audio, video and text data, [col. 4, line 43 to col. 5, line 62; col. 1, lines 42-55; col. 2, lines 17-37]; and wherein the first audio characteristic (or detection) is inherently at least a predetermined energy level (or power or peak) of audio signal.

Regarding claim 24, Chiu et al further disclose the system,, wherein the media includes audio, video and/or text data, and wherein the first audio characteristic is at least a predetermined energy level of audio [Figs. 7A-7D; col. 10, line 10 to col. 11, line 8].

Regarding claims 25-36, see Figs 1-6 of Chiu et al [col. 4, line 56 to col. 9, line 3].

Regarding claims 2-20, the limitations are shown above.

Response to Arguments

3. Applicant's arguments have been considered but are not persuasive.

As per applicant's argument that the Chui reference only discloses a single audio input source, the examiner disagrees. Chui discloses that there could be any number of input devices as shown in Figure 1 (Col 4 lines 55-65). This would include multiple microphones

As per applicant's arguments that Chui does not disclose processing audio data to identify an 'audio characteristic', the examiner notes that Chui specifically discloses a 'speaker identification' process that is performed by a 'speaker identification system analysis on an audio signal' (Col 2 lines 30-40).

As per applicant's arguments that Chui does not disclose storing an audio record for each identified portion of audio data. The examiner notes that the speaker identification (based on an audio analysis) is read as an event that is noted temporally (Col 2). The examiner notes that various means of triggering and notating 'events' are described throughout the Chui patent (Col 2 lines 1-50, Col 3 lines 40-50).

The examiner requests that applicant fully read the Chui patent in order to better understand the use of Chui's 'events' (which may be based on detected audio characteristics such as speaker identification on an audio stream, or any number of audio streams) in notating the input streams along a timeline.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

January 30, 2009